

REMARKS

Reconsideration and allowance of the subject application are respectfully requested.

Claims 1-13 are pending in this application. Claims 4, 5, 10, 11 and 12 have been amended. The dependency of claims 4, 5, 10 and 11 was revised. The amendment to claim 12 is supported in the present specification including at page 14, lines 19-21. No new matter has been added.

Claim 11 stands rejected under 35 USC 101 because the Examiner does not find the claim to be a proper process claim. Claim 11 has accordingly been amended to depend upon process claim 1. The applicants submit that all presently considered claims are fully allowable under 35 USC 101.

Claims 4, 5, 6, 11 and 12 stand rejected under 35 USC 112, second paragraph. The Examiner specifically remarks upon claims 4, 5, 10, 11 and 12. It is believed that claim 10 was intended to be rejected instead of claim 6. Dependent claims 4, 5 and 10 have been amended to depend on claims 3, 3, and 9, respectively, as suggested by the Examiner. Claim 11 has been amended as described above. Claim 12 has been amended as supported in the present specification including at page 14, lines 19-21. The applicants submit that all presently considered claims are fully allowable under 35 USC 112, second paragraph.

The applicants respectfully traverse the rejection of claims 1-10 and 13 under the judicially created doctrine of obviousness-type double patenting over claims 6-17 of US Patent No. 6,576,052 (US'052).

Independent claim 6 of US '052 is the principle process claim wherein forming a coating layer containing an aluminum phosphate compound and a coating layer containing the hydrolyzate of an organosilane compound on the surface of the titanium dioxide particles by wet processing (i.e., the coating layers are formed in the aqueous slurry of titanium dioxide as defined). In contrast, in the presently claimed invention, a coating layer is formed by dry processing (as recited, for example, in claim 1 of the present application). Accordingly, the invention of the present application and the invention of US -052 are substantially different concerning the coating processes (dry processing versus wet processing). These significant differences are further shown in the specification of the present application by the comparison of these two processes by use of comparative Examples 3 and 4 in which wet processing was employed.

Thus, the applicants submit that the present claims are fully allowable under the judicially created doctrine of obviousness-type double patenting over claims 6-17 of US Patent No. 6,576,052.

In view of the above, it is believed that this application is in condition for allowance and a Notice to that effect is respectfully requested.

Respectfully submitted,

MANELLI DENISON & SELTER, PLLC

By Paul E. White, Jr.

Paul E. White, Jr.

Reg. No. 32,011

Tel. No.: (202) 261-1050

Fax No.: (202) 887-0336

2000 M Street, N.W.
Seventh Floor
Washington, D.C. 20036-3307
(202) 261-1000